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Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-sixth session
Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

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VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

1. The Sub-Commission considered item 6 at its 3rd, 4th, 11th, 14th to 20th, and ..th meetings, on 2, 9, 11, 12, 15, 16 and .. August 1994.

2. At its 2nd meeting, on 1 August 1994, the Sub-Commission decided to consider, as a matter of priority, the situation of human rights in Rwanda, under item 6, on 2 August 1994.

3. For the text of the decision, see chap. II, sect. B, draft decision 1994/102.

4. The Sub-Commission considered the situation of human rights in Rwanda at its 3rd, 4th and 11th meetings, on 2 and 11 August 1994.

5. For the consideration of the situation of human rights in Rwanda under item 6, the Sub-Commission had before it the following documentation:

Report of the United Nations High Commissioner for Human Rights, Mr. Ayala Lasso, on his mission to Rwanda, 11-12 May 1994 (E/CN.4/S-3/3);

Report of the Commission on Human Rights on its third special session, 24-25 May 1994 (E/CN.4/S-3/4);

Report on the situation of human rights in Rwanda submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution S-3/1 of 25 May 1994 (E/CN.4/1994/7);

Report by Mr. B.W. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to Rwanda from 8 to 17 April 1994 (E/CN.4/1994/7/Add.1);

Report of the Secretary-General on the establishment of the Commission of Experts pursuant to paragraph 1 of Security Council resolution 935 (1994) of 1 July 1994 (S/1994/879);

Security Council resolution 935 (1994) of 1 July 1994.

6. At its 3rd and 4th meetings, on 2 August 1994, statements 1/ concerning the situation of human rights in Rwanda were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (3rd, 4th), Mr. Bossuyt (3rd), Ms. Daes (4th), Mr. Eide (3rd, 4th), Mr. El-Hajjé (4th), Mr. Fan (4th), Mrs. Forero Ucros (4th), Mr. Guissé (4th), Ms. Gwanmesia (4th), Mr. Hakim (4th), Mr. Joinet (4th), Mr. Khalil (4th), Ms. Palley (4th), Ms. Warzazi (3rd, 4th), Mr. Yimer (4th) and Mr. Yokota (4th).

7. Statements were made by the observers for Nigeria (4th), South Africa (4th), Tunisia (4th) and Zimbabwe (4th).

8. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (4th) and Pax Christi International (4th).

9. The Sub-Commission considered item 6 in general at its 14th to 20th and ..th meetings, on 11, 12, 15, 16 and .. August 1994.

10. The Sub-Commission had before it the following documents in connection with its consideration of item 6 in general:

Situation in East Timor: note by the secretariat (E/CN.4/Sub.2/1994/14 and Add.1);

Note by the Secretary-General (E/CN.4/Sub.2/1994/15);

Note by the Secretary-General (E/CN.4/Sub.2/1994/16);

Letter dated 4 July 1994 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/Sub.2/1994/43);

Note verbale dated 28 July 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and Other International Organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/45);

Communication écrite présentée par la Fédération internationale Terre des Hommes, organisation non gouvernementale dotée du statut consultatif de la catégorie II (E/CN.4/Sub.2/1994/NGO/5);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/9);

Communication écrite présentée par la Fédération internationale des droits de l'homme, organisation non gouvernementale dotée du statut consultatif de la catégorie II (E/CN.4/Sub.2/1994/NGO/11);

Communication écrite presentée par la Fédération internationale des ligues des droits de l'homme, organisation non gouvernementale dotée du statut consultatif de la catégorie II (E/CN.4/Sub.2/1994/NGO/12);

Communicación presentada por escrito por la Federación International de los Derechos Humanos, organización no gubernamental reconocida como entidad consultativa de la Categoría II (E/CN.4/Sub.2/1994/NGO/13);

Communicación presentada por escrito por la Federación Internacional de los Derechos Humanos, organización no gubernamental reconocida como entidad consultativa de la Categoría II (E/CN.4/Sub.2/1994/NGO/14);

Communication écrite présentée par le Centre Europe-Tiers Monde, organisation non gouvernementale inscrite sur la Liste (E/CN.4/Sub.2/1994/NGO/20);

Joint written statement submitted by the International Youth and Student Movement for the United Nations, the World Youth Assembly and the World Federation of Democratic Youth, non-governmental organizations in consultative status (category I), by the International Union of Students, the International Union of Socialist Youth and the World Student Christian Federation, non-governmental organizations in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/22).

11. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (18th), Mr. Bengoa (14th), Mr. Bossuyt (16th), Ms. Chavez (18th), Mr. Chernichenko (16th), Ms. Daes (18th, 20th), Mr. Eide (18th, 19th), Mr. El-Hajjé (19th), Mr. Fan (20th), Mrs. Forero Ucros (18th), Mr. Guissé (16th), Mrs. Gwanmesia (20th), Mr. Joinet (18th, 19th), Mr. Khalifa (14th), Mr. Khan (18th), Mr. Lindgren Alves (16th), Ms. Palley (18th, 20th) and Ms. Warzazi (14th, 18th).

12. Statements were made by the observers for Armenia (19th), Azerbaijan (20th), China (19th), Colombia (17th), Democratic People's Republic of Korea (19th), Egypt (19th), Ethiopia (19th), Greece (20th), Guatemala (20th), Haiti (19th), India (19th), Indonesia (19th), Iraq (19th), Iran (Islamic Republic of) (19th), Morocco (17th), Myanmar (19th), Pakistan (19th), Peru (17th), Portugal (19th), Sri Lanka (17th), Sudan (19th), Syrian Arab Republic (17th), The Former Yugoslav Republic of Macedonia (17th) and Turkey (19th).

13. A statement was also made by the observer for Palestine (18th).

14. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for

Development (16th), American Association of Jurists (16th), Andean Commission of Jurists (16th), Arab Organization for Human Rights (15th), Baha'i International Community (15th), Centre Europe-Tiers Monde (15th), France Libertés: Fondation Danielle Mitterand (14th), Greek Orthodox Archdiocesan Council of North and South America (16th), Habitat International Coalition (17th), Indian Institute for Non-Aligned Studies (17th), International Association against Torture (15th), International Association for the Defence of Religious Liberty (15th), International Association of Democratic Lawyers (14th), International Association of Educators for World Peace (15th), International Commission of Jurists (15th), International Confederation of Free Trade Unions (15th), International Educational Development, Inc. (15th), International Falcon Movement-Socialist Educational International (15th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (15th), International Federation of Human Rights (15th), International Fellowship of Reconciliation (14th), International Human Rights Association of American Minorities (16th), International Humanist and Ethical Union (14th), International Indian Treaty Council (17th), International Islamic Federation of Student Organizations (17th), International League for Human Rights (17th), International League for the Rights and Liberation of Peoples (16th), International Lesbian and Gay Association (15th), International Movement against All Forms of Discrimination and Racism (17th), International Movement for Fraternal Union among Races and Peoples (16th), Inter-Parliamentary Union (17th), Liberation (15th), Movement against Racism and for Friendship among Peoples (16th), Pax Christi International (15th), Service Peace and Justice in Latin America (17th), Women's International League for Peace and Freedom (15th), World Federation of Democratic Youth (17th), World Federation of Trade Unions (17th), World Muslim Congress (17th), World Organization against Torture (15th) and World University Service (16th).

15. Statements equivalent to a right of reply were made by the observers for: Armenia (20th), Albania (20th), Azerbaijan (20th), Bangladesh (20th), China (20th), Colombia (20th), Greece (20th), India (20th), Iran (Islamic Republic of) (15th, 20th), Japan (20th), Morocco (20th), Nigeria (20th), Pakistan (20th) and Turkey (20th).

Situation in Rwanda

16. At the 11th meeting, on 9 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.2, sponsored by Mr. Bengoa, Mr. Bossuyt, Mrs. Daes, Mr. Guissé, Mrs. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer. Mr. Fan subsequently joined the sponsors.

17. Mrs. Warzazi, on behalf of the sponsors, orally revised the draft resolution, as follows:

(a) Insert, in operative paragraph 7, after the words "crimes de guerre" the words "y compris l'assassinat d'évêques et de religieux";

(b) Insert, in operative paragraph 10, after the words "y compris sur", the words "l'attentat contre l'avion transportant les Présidents du Burundi et du Rwanda";

(c) Delete, in the same paragraph, after the words "illicit traffic", the words "or in the broadcasting or racist propaganda which rendered possible the crime of genocide and the political assassinations".

18. Mrs. Attah proposed to delete, in the third preambular paragraph, the word "pernicious". The amendment was not accepted by the sponsors.

19. Mrs. Palley proposed to replace, in the first preambular paragraph, the words "at the extent and seriousness" by the words "by the convincing and appalling evidence". The amendment was accepted by the sponsors.

20. Upon the proposal of Mr. Alfonso Martínez, Mrs. Warzazi further revised the draft resolution by proposing to replace, in operative paragraph 2, the wording "tout en prenant acte des efforts fournis au plan humanitaire" with the wording "tout en prenant acte avec satisfaction des efforts fournis au plan de l'assistance humanitaire".

21. Statements relating to the draft resolution, the revisions and amendments were made by Mr. Alfonso Martínez, Mr. El-Hajjé, Mrs. Gwanmesia, Mr. Joinet, Mrs. Palley, Mr. Yimer and Mr. Zhong.

22. The draft resolution, as revised and amended, was adopted without a vote.

23. For the text as adopted, see chapter II, section A, resolution 1994/1.